



## Notre Dame Law Review

Volume 39 | Issue 6

Article 1

9-1-1964

# Symposium: Constitutional Amendments: Introduction

Joseph O'Meara

Follow this and additional works at: <http://scholarship.law.nd.edu/ndlr>



Part of the [Law Commons](#)

### Recommended Citation

Joseph O'Meara, *Symposium: Constitutional Amendments: Introduction*, 39 Notre Dame L. Rev. 623 (1964).

Available at: <http://scholarship.law.nd.edu/ndlr/vol39/iss6/1>

This Introduction is brought to you for free and open access by NDLScholarship. It has been accepted for inclusion in Notre Dame Law Review by an authorized administrator of NDLScholarship. For more information, please contact [lawdr@nd.edu](mailto:lawdr@nd.edu).



## INTRODUCTION

*Dean Joseph O'Meara, Notre Dame Law School*

One of the means by which we have sought to dramatize public-law problems and responsibilities has been a series of symposia, each dealing with a highly controversial problem of urgent national concern. The following subjects have been considered in this way:

Legislative Investigations

The Role of the Supreme Court in the American Constitutional System

Problems and Responsibilities of School Desegregation

Labor Union Power and the Public Interest

Next Steps to Extend the Rule of Law

Interstate Organized Crime

In keeping with the tradition thus established, a symposium was held on February 29, 1964, devoted to the constitutional amendments proposed by the Council of State Governments. Very briefly these amendments would (1) vest power to amend the Constitution in State legislatures; (2) set up a "Court of the Union," composed of the chief justice of the supreme court of each of the 50 states, which would have authority to review "any judgment of the Supreme Court relating to the rights reserved to the states or to the people by this Constitution"; (3) take from the federal courts all jurisdiction over the apportionment of representation in State legislatures.

The net effect of these proposed amendments, if adopted and held valid, would be to establish the principle of minority rule in this Country. It would enable State legislators representing a minority of the Nation's voters — a minority living in the less populated areas of the Country — to make the most drastic changes in our governmental system. This minority, for example, would have the legal power to amend the Constitution so as to abolish freedom of conscience and set up an established church. They could even go so far, by constitutional amendment, as to abolish the Federal Union itself and substitute for

it a loose confederation, which appears to be the real goal of some of the advocates of the proposed amendments. This would leave us virtually defenseless in a hectic and aggressive world, for a confederation of 50 independent states, each free to go its own way, would be so weak that it could not possibly resist the might of Communism. Yet the majority of the Nation's voters would have no legal means of preventing these disasters.

If this is understood, there seems little likelihood that the amendments will be adopted. But they do have the militant support of an active minority; and there is real danger they will be adopted by default unless the people are made aware of the radical and vicious character of the changes they would make in our form of government. It was for this reason that we selected these proposed amendments as the subject of our Symposium, and invited to Notre Dame a panel of lawyers well qualified to discuss constructively the proposed amendments. It was my pleasure at the time of the Symposium to welcome and introduce the members of the panel; and it is with equal satisfaction that the papers they then presented are now published in the Symposium Issue, 1964, of the NOTRE DAME LAWYER.